APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,823	02/25/2004	Andrew D. Bocking	291010-00004	5088

3705   7590   04/21/2009
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ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
04/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/786,823	BOCKING ET AL.
Office Action Summary	Examiner	Art Unit	
	Qing Chen	2191	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 January 2009</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-6,8-12,14-19 and 21-23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-6,8-12,14-19 and 21-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the amendment filed on January 8, 2009, entered by the RCE filed on February 16, 2009.

2.   **Claims 1, 2, 4-6, 8-12, 14-19, and 21-23** are pending.

3.   **Claims 1, 6, 11, and 12** have been amended.

4.   **Claims 3, 7, 13, and 20** have been canceled.

5.   The objection to Claim 12 is withdrawn in view of Applicant's amendments to the claim.

Continued Examination Under 37 CFR 1.114

6.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 16, 2009 has been entered.

Response to Amendment

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1, 2, 4, 5, 8, 11, 12, 14-19, and 21-23** are rejected under 35 U.S.C. 103(a) as

being unpatentable over **US 6,701,521 (hereinafter "McLlroy")** in view of **US 2002/0010652**

(hereinafter "Deguchi").

As per **Claim 1**, <u>McLlroy</u> discloses:

-     storing a plurality of programs at the host system *(see Column 19: 21-23, "…*

applications are located at application source 915 (e.g., a site on the WWW) …");

-     storing a plurality of identifiers at the host system, with each of at least one of said

plurality of identifiers being associated with at least one of said plurality of programs *(see*

Column 10: 44-57, "The file link configuration database 324 is linked to the file sharing

manager 322 and specifies, for a particular database, its source file, category information, and

the frequency of update for the database.");

-     connecting the host system and the target system by a communication channel *(see*

Column 10: 64-66, "… portable computer system 100 can be interfaced with computer system

342 using a wireless (e.g., radio) connection.");

-     sending a hardware identifier and a vendor identifier from the target system to the

host system over the communication channel *(see Column 12: 30-37, "The application*

description can also contain information identifying the version of the application of interest, the

name of the application, the vendor's name, or other such identifying information."; Column 12:

45-47, "… portable computer systems 920, 922, 924 and 926 can also communicate their

hardware and software attributes to software manager 950.");

- receiving said hardware identifier and said vendor identifier at the host system *(see Column 13: 4-6, "... portable computer systems 924 and 926 can also communicate information identifying their hardware and software attributes to software manager 950.")*;

- employing said plurality of identifiers and said received hardware identifier and said received vendor identifier to select one of said at least one of said plurality of programs for download from the host system to the target system *(see Column 18: 1-5, "... a specification 1040 comprising application description 1030 and the hardware and software information is used by software manager 950 to locate application source 915, or to locate application 1050 within application source 915." and 10-13, "... applications may be downloaded and stored in memory of computer system 342, and then subsequently accessed by a portable computer system.")*;

- associating a vendor with the target system *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information.")*;

- employing said vendor identifier, which identifies said vendor *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information.")*; and

- storing a program associated with said hardware identifier at the host system *(see Column 19: 21-23, "... applications are located at application source 915 (e.g., a site on the WWW) ...")*.

However, McLlroy does not disclose:

-    failing to find said received vendor identifier at the host system and downloading,
responsive to said failing to find said received vendor identifier at the host system, said program
associated with said received hardware identifier over the communication channel from the host
system to the target system.

Deguchi discloses:

-    failing to find said received vendor identifier at the host system and downloading,
responsive to said failing to find said received vendor identifier at the host system, said program
associated with said received hardware identifier over the communication channel from the host
system to the target system *(see Paragraph [0070], "Referring back to FIG. 15, if at step 1540
server terminal 105 does not find a matching vendor ID in vendor ID database 864
corresponding to the device ID, then at step 1580, server terminal 105 is configured to retrieve
from playlist database 862 information corresponding to the bookmarked music clips and to
transmit the retrieved information to user terminal 103. Thereafter at step 1590, server terminal
105 is configured to update user playlist database 863 to update stored information
corresponding to the bookmarked music clips for the particular device user."; Paragraph
[0071], "In this manner, in accordance with the various embodiments of the present invention,
device vendors may be preferably selected and displayed for purchase of bookmarked music
clips who correspond to the actual vendors of the music marker devices.").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to incorporate the teaching of Deguchi into the teaching of McLlroy to
include failing to find said received vendor identifier at the host system and downloading,
responsive to said failing to find said received vendor identifier at the host system, said program

associated with said received hardware identifier over the communication channel from the host

system to the target system. The modification would be obvious because one of ordinary skill in

the art would be motivated to obtain the application that is associated with the particular

hardware *(see Deguchi – Paragraph [0071])*.

As per **Claim 2**, the rejection of **Claim 1** is incorporated; and McLlroy further discloses:

-    employing as said plurality of programs a plurality of application programs *(see
Column 19: 21-23, "… applications are located at application source 915 (e.g., a site on the
WWW) …")*;

-    including an application loader at the host system *(see Figure 9A: 950)*;

-    requesting said hardware identifier and said vendor identifier from the target system
by said application loader over the communication channel *(see Column 13: 4-6, "… portable
computer systems 924 and 926 can also communicate information identifying their hardware
and software attributes to software manager 950.")*;

-    receiving said hardware identifier and said vendor identifier at said application loader
*(see Column 13: 4-6, "… portable computer systems 924 and 926 can also communicate
information identifying their hardware and software attributes to software manager 950.")*;

-    determining that said received hardware identifier and said received vendor identifier
match one of said plurality of identifiers and responsively selecting one of said plurality of
application programs *(see Column 18: 1-5, "… a specification 1040 comprising application
description 1030 and the hardware and software information is used by software manager 950 to*

locate application source 915, or to locate application 1050 within application source 915.");

and

- downloading said selected one of said plurality of application programs over the

communication channel from said application loader to the target system *(see Column 18: 10-13,*

"... applications may be downloaded and stored in memory of computer system 342, and then

subsequently accessed by a portable computer system.").

As per **Claim 4**, the rejection of **Claim 1** is incorporated; and <u>McLlroy</u> further discloses:

- storing said hardware identifier for the target system with said vendor identifier at the

target system *(see Column 12: 25-28, "The application description beamed from portable*

computer system 990 contains information sufficient for identifying and locating the application

of interest, either locally or on the WWW.");

- requesting said hardware identifier and said vendor identifier from the target system

by the host system over the communication channel *(see Column 13: 4-6, "... portable computer*

systems 924 and 926 can also communicate information identifying their hardware and software

attributes to software manager 950.");

- employing a plurality of vendor identifiers and associating one of said plurality of

vendor identifiers and at least one hardware identifier with each of said plurality of programs at

the host system *(see Column 18: 1-5, "... a specification 1040 comprising application*

description 1030 and the hardware and software information is used by software manager 950 to

locate application source 915, or to locate application 1050 within application source 915.");

-    determining that said received vendor identifier matches one of said plurality of

vendor identifiers *(see Column 21: 64-67 to Column 22: 1-3, "... using the applications and*

attributes information 1230, software manager 955 can automatically search application source

915 to identify updated versions of the applications, components, objects or files currently

installed on portable computer system 1220 and compatible with the hardware and software

attributes of portable computer system 1220."); and

-    determining that said received hardware identifier matches said at least one hardware

identifier associated with said one of said plurality of vendor identifiers and responsively

downloading said selected one of said at least one of said plurality of programs over the

communication channel from the host system to the target system *(see Column 18: 10-13, "...*

applications may be downloaded and stored in memory of computer system 342, and then

subsequently accessed by a portable computer system."; Column 21: 64-67 to Column 22: 1-3,

"... using the applications and attributes information 1230, software manager 955 can

automatically search application source 915 to identify updated versions of the applications,

components, objects or files currently installed on portable computer system 1220 and

compatible with the hardware and software attributes of portable computer system 1220.").

As per **Claim 5**, the rejection of **Claim 1** is incorporated; and McLlroy further discloses:

-    storing said hardware identifier for the target system with said vendor identifier at the

target system *(see Column 12: 25-28, "The application description beamed from portable*

computer system 990 contains information sufficient for identifying and locating the application

of interest, either locally or on the WWW.");

- storing a program associated with said hardware identifier at the host system *(see Column 19: 21-23, "... applications are located at application source 915 (e.g., a site on the WWW) ...")*;

- requesting said hardware identifier and said vendor identifier from the target system by the host system over the communication channel *(see Column 13: 4-6, "... portable computer systems 924 and 926 can also communicate information identifying their hardware and software attributes to software manager 950.")*;

- associating a vendor identifier and at least one hardware identifier with each of said plurality of programs at the host system *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information."; Column 12: 45-47, "... portable computer systems 920, 922, 924 and 926 can also communicate their hardware and software attributes to software manager 950.")*;

- determining that said received vendor identifier has a predetermined value *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information.")*; and

- downloading said program associated with said received hardware identifier over the communication channel from the host system to the target system *(see Column 18: 10-13, "... applications may be downloaded and stored in memory of computer system 342, and then subsequently accessed by a portable computer system.")*.

As per **Claim 8**, the rejection of **Claim 1** is incorporated; and <u>McLlroy</u> further discloses:

-   downloading said selected one of said at least one of said plurality of programs over

the communication channel from the host system to the target system *(see Column 18: 10-13,*

"... applications may be downloaded and stored in memory of computer system 342, and then

subsequently accessed by a portable computer system."); and

-   loading and executing said downloaded and selected one of said at least one of said

plurality of programs at the target system *(see Column 18: 10-13, "... applications may be*

downloaded and stored in memory of computer system 342, and then subsequently accessed by a

portable computer system.").

As per **Claim 11**, <u>McLlroy</u> discloses:

-   a host system including a memory storing a plurality of programs, said memory also

storing a plurality of identifiers, with each of at least one of said plurality of identifiers being

associated with at least one of said plurality of programs *(see Figure 8: 342; Column 10: 44-57,*

"The file link configuration database 324 is linked to the file sharing manager 322 and specifies,

for a particular database, its source file, category information, and the frequency of update for

the database.");

-   a target system including a hardware identifier representing said target system and a

vendor identifier representing a vendor associated with said target system *(see Figure 8: 100;*

Column 12: 30-37, "The application description can also contain information identifying the

version of the application of interest, the name of the application, the vendor's name, or other

such identifying information."; Column 12: 45-47, "... portable computer systems 920, 922, 924

and 926 can also communicate their hardware and software attributes to software manager

950.");

- a communication channel connecting said host system and said target system *(see*

Column 10: 64-66, "... portable computer system 100 can be interfaced with computer system

342 using a wireless (e.g., radio) connection."); and

- a loader routine adapted to execute at said host system, communicate with said target

system through the communication channel, request and receive said hardware identifier and said

vendor identifier from said target system over the communication channel, and employ said

plurality of identifiers and said received hardware identifier and said received vendor identifier

to select one of said at least one of said plurality of programs for download from said host system

to said target system *(see Figure 8: 322; Column 18: 1-5, "... a specification 1040 comprising*

application description 1030 and the hardware and software information is used by software

manager 950 to locate application source 915, or to locate application 1050 within application

source 915." and 10-13, "... applications may be downloaded and stored in memory of computer

system 342, and then subsequently accessed by a portable computer system."),

- wherein said vendor identifier identifies said vendor *(see Column 12: 30-37, "The*

application description can also contain information identifying the version of the application of

interest, the name of the application, the vendor's name, or other such identifying information."),

and

- wherein a program associated with said hardware identifier is stored at the host

system *(see Column 19: 21-23, "... applications are located at application source 915 (e.g., a*

site on the WWW) ...").

However, <u>McLlroy</u> does not disclose:

- wherein said loader routine is further adapted, after failing to find said received vendor identifier at the host system, to download, responsive to said failing to find said received vendor identifier at the host system, said program associated with said received hardware identifier over the communication channel from the host system to the target system.

<u>Deguchi</u> discloses:

- wherein said loader routine is further adapted, after failing to find said received vendor identifier at the host system, to download, responsive to said failing to find said received vendor identifier at the host system, said program associated with said received hardware identifier over the communication channel from the host system to the target system *(see Paragraph [0070], "Referring back to FIG. 15, if at step 1540 server terminal 105 does not find a matching vendor ID in vendor ID database 864 corresponding to the device ID, then at step 1580, server terminal 105 is configured to retrieve from playlist database 862 information corresponding to the bookmarked music clips and to transmit the retrieved information to user terminal 103. Thereafter at step 1590, server terminal 105 is configured to update user playlist database 863 to update stored information corresponding to the bookmarked music clips for the particular device user."; Paragraph [0071], "In this manner, in accordance with the various embodiments of the present invention, device vendors may be preferably selected and displayed for purchase of bookmarked music clips who correspond to the actual vendors of the music marker devices.").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of <u>Deguchi</u> into the teaching of <u>McLlroy</u> to

include wherein said loader routine is further adapted, after failing to find said received vendor

identifier at the host system, to download, responsive to said failing to find said received vendor

identifier at the host system, said program associated with said received hardware identifier over

the communication channel from the host system to the target system. The modification would

be obvious because one of ordinary skill in the art would be motivated to obtain the application

that is associated with the particular hardware *(see Deguchi – Paragraph [0071])*.

As per **Claim 12**, the rejection of **Claim 11** is incorporated; and McLlroy further

discloses:

-    wherein said plurality of programs are a plurality of application programs; and

wherein said loader routine is an application loader routine adapted to request said hardware

identifier and said vendor identifier from said target system over the communication channel,

receive said hardware identifier and said vendor identifier, determine that said received hardware

identifier and said received vendor identifier match one of said plurality of identifiers and

responsively select one of said plurality of application programs, and download said selected one

of said plurality of application programs over the communication channel to said target system

(see Column 13: 4-6, "… portable computer systems 924 and 926 can also communicate

information identifying their hardware and software attributes to software manager 950.";

Column 18: 1-5, "… a specification 1040 comprising application description 1030 and the

hardware and software information is used by software manager 950 to locate application

source 915, or to locate application 1050 within application source 915." and 10-13, "…

applications may be downloaded and stored in memory of computer system 342, and then

subsequently accessed by a portable computer system."; Column 19: 21-23, "... applications are

located at application source 915 (e.g., a site on the WWW) ...").

As per **Claim 14**, the rejection of **Claim 11** is incorporated; and <u>McLlroy</u> further

discloses:

-   wherein said loader routine is further adapted to employ a plurality of vendor

identifiers, request said hardware identifier and said vendor identifier from said target system

over the communication channel, receive said hardware identifier and said vendor identifier,

associate a vendor identifier and at least one hardware identifier with each of said plurality of

programs, determine that said received vendor identifier matches one of said plurality of vendor

identifiers, and determine that said received hardware identifier matches said at least one

hardware identifier associated with said one of said plurality of vendor identifiers and

responsively download said selected one of said at least one of said plurality of programs over

the communication channel to said target system *(see Column 12: 30-37, "The application*

description can also contain information identifying the version of the application of interest, the

name of the application, the vendor's name, or other such identifying information."; Column 13:

4-6, "... portable computer systems 924 and 926 can also communicate information identifying

their hardware and software attributes to software manager 950."; Column 18: 10-13, "...

applications may be downloaded and stored in memory of computer system 342, and then

subsequently accessed by a portable computer system."; Column 21: 64-67 to Column 22: 1-3,

"... using the applications and attributes information 1230, software manager 955 can

automatically search application source 915 to identify updated versions of the applications,

components, objects or files currently installed on portable computer system 1220 and

compatible with the hardware and software attributes of portable computer system 1220.").

As per **Claim 15**, the rejection of **Claim 11** is incorporated; and <u>McLlroy</u> further
discloses:

- wherein said vendor identifier is associated with a wireless communication vendor;
and wherein said target system includes a first wired communication port adapted to
communicate with said communication channel, and a second wireless communication port
adapted to communicate with said wireless communication vendor *(see Column 12: 30-37, "The*
application description can also contain information identifying the version of the application of
interest, the name of the application, the vendor's name, or other such identifying information.";
Column 8: 18-23, "... the communication interface 180 is a serial communication port, but could
also alternatively be of any of a number of well-known communication standards and protocols,
e.g., parallel, SCSI (small computer system interface), Firewire (IEEE1394), Ethernet, etc." and
48-52, "In one implementation the Mobitex wireless communication system is used to provide
two-way communication between computer system 100 and other networked computers and/or
the Internet via a proxy server (see FIG. 1A).").

As per **Claim 16**, the rejection of **Claim 11** is incorporated; and <u>McLlroy</u> further
discloses:

- wherein said target system is a mobile electronic device *(see Column 6: 53-54,*
"Portable computer system 100 is also known as a palmtop or palm-sized computer system.").

As per **Claim 17**, the rejection of **Claim 16** is incorporated; and <u>McLlroy</u> further

discloses:

-    wherein said mobile electronic device is a handheld electronic device *(see Column 6:*

53-54, "Portable computer system 100 is also known as a palmtop or palm-sized computer

system.").

As per **Claim 18**, the rejection of **Claim 17** is incorporated; and <u>McLlroy</u> further

discloses:

-    wherein said handheld electronic device is a wireless handheld electronic device *(see*

Column 6: 53-57, "Portable computer system 100 is also known as a palmtop or palm-sized

computer system." and "... portable computer system 100 has the ability to transmit and receive

data and information over a wireless communication interface (e.g., a radio interface).").

As per **Claim 19**, the rejection of **Claim 11** is incorporated; and <u>McLlroy</u> further

discloses:

-    wherein said host system is selected from the group consisting of a workstation, and a

personal computer *(see Column 9: 63-66, "... an exemplary host computer system 342 (e.g.,*

desktop computer system 56 or laptop computer system 58 of FIG. 1B) ...").

As per **Claim 21**, the rejection of **Claim 18** is incorporated; and <u>McLlroy</u> further

discloses:

     -    wherein said vendor identifier is associated with a wireless communication vendor;

and wherein said wireless handheld electronic device includes a first wired communication port

adapted to communicate with said communication channel, and a second wireless

communication port adapted to communicate with said wireless communication vendor *(see*

Column 12: 30-37, "The application description can also contain information identifying the

version of the application of interest, the name of the application, the vendor's name, or other

such identifying information."; Column 8: 18-23, "... the communication interface 180 is a

serial communication port, but could also alternatively be of any of a number of well-known

communication standards and protocols, e.g., parallel, SCSI (small computer system interface),

Firewire (IEEE1394), Ethernet, etc." and 48-52, "In one implementation the Mobitex wireless

communication system is used to provide two-way communication between computer system 100

and other networked computers and/or the Internet via a proxy server (see FIG. 1A).").

     As per **Claim 22**, the rejection of **Claim 21** is incorporated; and <u>McLIroy</u> further

discloses:

     -    wherein said selected one of said at least one of said plurality of programs is adapted

to enable wireless communication between said second wireless communication port of said

wireless handheld electronic device and said wireless communication vendor *(see Column 8: 48-*

52, "In one implementation the Mobitex wireless communication system is used to provide two-

way communication between computer system 100 and other networked computers and/or the

Internet via a proxy server (see FIG. 1A).").

As per **Claim 23**, the rejection of **Claim 1** is incorporated; and <u>McLlroy</u> further

discloses:

- employing a wireless handheld electronic device as said target system *(see Column 6:*

53-57, "Portable computer system 100 is also known as a palmtop or palm-sized computer

system." and "... portable computer system 100 has the ability to transmit and receive data and

information over a wireless communication interface (e.g., a radio interface).");

- associating said vendor identifier with a wireless communication vendor *(see Column*

12: 30-37, "The application description can also contain information identifying the version of

the application of interest, the name of the application, the vendor's name, or other such

identifying information.");

- downloading said selected one of said at least one of said plurality of programs over

the communication channel from the host system to the wireless handheld electronic device *(see*

Column 18: 10-13, "... applications may be downloaded and stored in memory of computer

system 342, and then subsequently accessed by a portable computer system."); and

- loading and executing said downloaded and selected one of said at least one of said

plurality of programs at the wireless handheld electronic device to communicate with said

wireless communication vendor *(see Column 18: 10-13, "... applications may be downloaded*

and stored in memory of computer system 342, and then subsequently accessed by a portable

computer system.").

9.   **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McLlroy** in view

of **US 6,496,979 (hereinafter "Chen")** and **Deguchi**.

As per **Claim 6**, McLlroy discloses:

- storing a plurality of programs at the host system *(see Column 19: 21-23, "...*

applications are located at application source 915 (e.g., a site on the WWW) ...");

- storing a plurality of identifiers at the host system, with each of at least one of said

plurality of identifiers being associated with at least one of said plurality of programs *(see*

Column 10: 44-57, "The file link configuration database 324 is linked to the file sharing

manager 322 and specifies, for a particular database, its source file, category information, and

the frequency of update for the database.");

- connecting the host system and the target system by a communication channel *(see*

Column 10: 64-66, "... portable computer system 100 can be interfaced with computer system

342 using a wireless (e.g., radio) connection.");

- sending a hardware identifier and a vendor identifier from the target system to the

host system over the communication channel *(see Column 12: 30-37, "The application*

description can also contain information identifying the version of the application of interest, the

name of the application, the vendor's name, or other such identifying information."; Column 12:

45-47, "... portable computer systems 920, 922, 924 and 926 can also communicate their

hardware and software attributes to software manager 950.");

- receiving said hardware identifier and said vendor identifier at the host system *(see*

Column 13: 4-6, "... portable computer systems 924 and 926 can also communicate information

identifying their hardware and software attributes to software manager 950.");

-    employing said plurality of identifiers and said received hardware identifier and said received vendor identifier to select one of said at least one of said plurality of programs for download from the host system to the target system *(see Column 18: 1-5, "... a specification 1040 comprising application description 1030 and the hardware and software information is used by software manager 950 to locate application source 915, or to locate application 1050 within application source 915." and 10-13, "... applications may be downloaded and stored in memory of computer system 342, and then subsequently accessed by a portable computer system.")*;

-    associating a vendor with the target system *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information.")*;

-    employing said vendor identifier, which identifies said vendor *(see Column 12: 30-37, "The application description can also contain information identifying the version of the application of interest, the name of the application, the vendor's name, or other such identifying information.")*; and

-    storing a program associated with said hardware identifier at the host system *(see Column 19: 21-23, "... applications are located at application source 915 (e.g., a site on the WWW) ...")*.

However, McLlroy does not disclose:

-    storing said plurality of identifiers in a file at the host system; and

- failing to find said file at the host system and downloading, responsive to said failing to find said file at the host system, said program associated with said received hardware identifier over the communication channel from the host system to the target system.

Chen discloses:

- storing said plurality of identifiers in a file at the host system *(see Column 14: 39-45, "The user interface 163 includes a list 165 of available application programs stored as application setup package files in the store 8 with suitable identifiers 167 ...").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen into the teaching of McLlroy to include storing said plurality of identifiers in a file at the host system. The modification would be obvious because one of ordinary skill in the art would be motivated to provide persistent storage of information.

Deguchi discloses:

- failing to find an identifier at the host system and downloading, responsive to said failing to find said identifier at the host system, said program associated with said received hardware identifier over the communication channel from the host system to the target system *(see Paragraph [0070], "Referring back to FIG. 15, if at step 1540 server terminal 105 does not find a matching vendor ID in vendor ID database 864 corresponding to the device ID, then at step 1580, server terminal 105 is configured to retrieve from playlist database 862 information corresponding to the bookmarked music clips and to transmit the retrieved information to user terminal 103. Thereafter at step 1590, server terminal 105 is configured to update user playlist database 863 to update stored information corresponding to the bookmarked music clips for the*

particular device user."; Paragraph [0071], "In this manner, in accordance with the various

embodiments of the present invention, device vendors may be preferably selected and displayed

for purchase of bookmarked music clips who correspond to the actual vendors of the music

marker devices.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Deguchi into the teaching of McLlroy to

include failing to find said file at the host system and downloading, responsive to said failing to

find said file at the host system, said program associated with said received hardware identifier

over the communication channel from the host system to the target system. The modification

would be obvious because one of ordinary skill in the art would be motivated to obtain the

application that is associated with the particular hardware *(see Deguchi – Paragraph [0071]).*

10.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McLlroy** in view

of **Deguchi** as applied to Claim 1 above, and further in view of **Chen** and **US 6,151,643**

(hereinafter "Cheng").

As per **Claim 9**, the rejection of **Claim 1** is incorporated; and McLlroy further discloses:

-       associating a version number with each of said plurality of programs *(see Column 12:*

30-37, "The application description can also contain information identifying the version of the

application of interest, the name of the application, the vendor's name, or other such identifying

information.");

- associating one of said plurality of identifiers in said file at the host system with one of said plurality of programs having said version number for said one of said plurality of programs *(see Column 13: 22-29, "... the version of the software elements (e.g., the application itself or files, components or objects for the application) that is compatible with the hardware and software attributes of portable computer systems 920, 922, 924 or 926 is retrieved from application source 915 based on the application description received from portable computer system 990.")*; and

- storing said new program at the host system *(see Column 18: 10-13, "... applications may be downloaded and stored in memory of computer system 342, and then subsequently accessed by a portable computer system.")*.

However, McLlroy and Deguchi do not disclose:

- storing said plurality of identifiers in a file at the host system; and

- updating said file to associate said one of said plurality of identifiers with a new program, which is different than said plurality of programs, and which has a new version number, which is different than said version number.

Chen discloses:

- storing said plurality of identifiers in a file at the host system *(see Column 14: 39-45, "The user interface 163 includes a list 165 of available application programs stored as application setup package files in the store 8 with suitable identifiers 167 ...")*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen into the teaching of McLlroy to include storing said plurality of identifiers in a file at the host system. The modification would be

obvious because one of ordinary skill in the art would be motivated to provide persistent storage of information.

Cheng discloses:

-    updating said file to associate said one of said plurality of identifiers with a new program, which is different than said plurality of programs, and which has a new version number, which is different than said version number *(see Column 10: 26-32, "The update database 709 maintains information identifying a large number of software products, information about the software updates that are available from the diverse software product vendors for these software products, information for identifying software products installed on a client computer 101, and for uniquely distinguishing the versions and names of installed software products.").*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cheng into the teaching of McLlroy to include updating said file to associate said one of said plurality of identifiers with a new program, which is different than said plurality of programs, and which has a new version number, which is different than said version number. The modification would be obvious because one of ordinary skill in the art would be motivated to maintain update information about the application.

11.   **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McLlroy** in view of **Deguchi** as applied to Claim 1 above, and further in view of **Chen**.

As per **Claim 10**, the rejection of **Claim 1** is incorporated; and <u>McLlroy</u> further

discloses:

- determining that one of said plurality of identifiers matches said received hardware

identifier and said received vendor identifier *(see Column 18: 1-5, "... a specification 1040*

comprising application description 1030 and the hardware and software information is used by

software manager 950 to locate application source 915, or to locate application 1050 within

application source 915.").

However, <u>McLlroy</u> and <u>Deguchi</u> do not disclose:

- determining that none of said plurality of programs corresponds to said one of said

plurality of identifiers and responsively displaying an error message at the host system.

<u>Chen</u> discloses:

- determining that none of said plurality of programs corresponds to said one of said

plurality of identifiers and responsively displaying an error message at the host system *(see*

Column 10: 53-60, "... if the user first attempts to install the setup package file for the city,

Seattle, without first installing the map viewer, the "init" function determines that the map viewer

is not installed and displays an error message, possibly providing information on where the user

can obtain the map viewer.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of <u>Chen</u> into the teaching of <u>McLlroy</u> to include

determining that none of said plurality of programs corresponds to said one of said plurality of

identifiers and responsively displaying an error message at the host system. The modification

would be obvious because one of ordinary skill in the art would be motivated to provide the user

with useful information regarding the error *(see Chen – Column 10: 53-60)*.

Response to Arguments

12.   Applicant's arguments with respect to Claim 6 have been considered but are moot in

view of the new ground(s) of rejection.

In the Remarks, Applicant argues:

a)   Deguchi, which discloses (Figure 15) that server terminal 105 (Figure 1) does not find a

matching music vendor ID in music vendor ID database 864 (Figure 12) corresponding to a

music marker device ID of music marker device 101 (Figure 1), and which retrieves from music

clip playlist database 862 information corresponding to the bookmarked music clips and

transmits the retrieved information to user terminal 103, does not teach or suggest failing to find

a received vendor identifier at a host system and downloading, responsive to such failing to find

such received vendor identifier at such host system, a program associated with a received

hardware identifier over a communication channel from such host system to a target system.

Examiner's response:

a)   Examiner disagrees. Applicant's arguments are not persuasive for at least the following

reasons:

        First, without acquiescing to the Applicant's assertion that Deguchi does not teach or

suggest failing to find a received vendor identifier at a host system and downloading, responsive

to such failing to find such received vendor identifier at such host system, a program associated
with a received hardware identifier over a communication channel from such host system to a
target system, the Examiner first submits that the Applicant's arguments fail to comply with 37
CFR 1.111(b) because they amount to a general allegation that the claims define a patentable
invention without presenting supporting arguments pointing out the specific distinctions believed
to render the claims patentable over the applied references. Applicant fails to present any
argument against the Examiner's interpretation of the claims and specifically point out the details
in Deguchi that support the Applicant's assertion that Deguchi does not teach or suggest failing
to find a received vendor identifier at a host system and downloading, responsive to such failing
to find such received vendor identifier at such host system, a program associated with a received
hardware identifier over a communication channel from such host system to a target system.
Mere statements concluding that the prior art does not disclose or suggest a particular claim
limitation without any supporting argument or evidence is a general allegation.

Second, with respect to the Applicant's assertion that Deguchi does not teach or suggest
failing to find a received vendor identifier at a host system and downloading, responsive to such
failing to find such received vendor identifier at such host system, a program associated with a
received hardware identifier over a communication channel from such host system to a target
system, the Examiner respectfully submits that Deguchi clearly discloses "failing to find said
received vendor identifier at the host system and downloading, responsive to said failing to find
said received vendor identifier at the host system, said program associated with said received
hardware identifier over the communication channel from the host system to the target system"
(see Paragraph [0070], "Referring back to FIG. 15, if at step 1540 server terminal 105 does not

find a matching vendor ID in vendor ID database 864 corresponding to the device ID, then at

step 1580, server terminal 105 is configured to retrieve from playlist database 862 information

corresponding to the bookmarked music clips and to transmit the retrieved information to user

terminal 103. Thereafter at step 1590, server terminal 105 is configured to update user playlist

database 863 to update stored information corresponding to the bookmarked music clips for the

particular device user."; Paragraph [0071], "In this manner, in accordance with the various

embodiments of the present invention, device vendors may be preferably selected and displayed

for purchase of bookmarked music clips who correspond to the actual vendors of the music

marker devices."). Note that if the server terminal (host system) does not find a matching vendor

ID corresponding to the device ID, then the server terminal transmits bookmarked music clips

information (program associated with a received hardware identifier) to user terminal (target

system).

Therefore, for at least the reasons set forth above, the rejections made under 35 U.S.C. §

103(a) with respect to Claims 1 and 11 are proper.

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Q. C./

Examiner, Art Unit 2191

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191